

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

**Ciapessoni *et al.*, on behalf of themselves
and all others similarly situated,**

Plaintiffs,

v.

The United States of America,

Defendant.

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Case No. 15-938C
Hon. Thomas C. Wheeler

PLAINTIFFS' MOTION TO CERTIFY CLASS ACTION

Pursuant to Rule 23 of the Rules of the United States Court of Federal Claims ("RCFC"), the named plaintiffs ("Plaintiffs"), on behalf of themselves and as representatives of a class of similarly situated persons, respectfully move this Court to certify this action as a class action. As explained in Plaintiffs' accompanying memorandum of law, which is incorporated herein, class certification is proper for the following reasons:

1. Plaintiffs have been deprived of their property by operation of the reserve-pool provisions of the California Raisin Marketing Order ("Marketing Order"), 7 C.F.R. pt. 989, and are therefore entitled to just compensation under the Fifth Amendment to the United States Constitution.
2. A class of similarly situated individuals or entities who have had their property taken by operation of the Marketing Order's reserve-pool provisions exists.
3. All RCFC 23 class certification requirements have been met:
 - a. The proposed class and the proposed subclass are so numerous that joinder of all members is impracticable;
 - b. There are questions of law or fact common to the classes;

- c. The claims or defenses of the representative parties are typical of the claims or defenses of the classes;
- d. The representative parties will fairly and adequately protect the interests of the classes; and
- e. A class action presents a superior method for resolution of this dispute.

WHEREFORE, Plaintiffs respectfully request that this Court certify the proposed class and the proposed subclass pursuant to RCFC 23.

Dated: September 28, 2015

Respectfully submitted,

/s/ M. Miller Baker

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CERTIFICATE OF SERVICE

I hereby certify on September 28, 2015, I electronically filed the foregoing **Plaintiffs' Motion to Certify Class Action** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ M. Miller Baker

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